

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

STATE OF NEW YORK, *et al.*,

*Plaintiffs,*

v.

DONALD J. TRUMP, in his official capacity  
as President of the United States, *et al.*,

*Defendants.*

Civil Action No. 1:25-cv-11221-WGY

**NOTICE OF FILING ADMINISTRATIVE RECORD**

Pursuant to the Court’s June 18, 2025 tentative ruling and clarification, the Court’s July 2, 2025 Order, and the Parties’ allowed Joint Motion to Amend the Case Schedule, and upon conferral with counsel for Plaintiffs and Intervenor, Defendants hereby respectfully notify the Court of their filing of the administrative records on behalf of the Department of the Interior, the Environmental Protection Agency, the National Marine Fisheries Service of the Department of Commerce, and the U.S. Army Corps of Engineers (collectively “Defendants”).

On January 20, 2025, President Trump issued a Presidential Memorandum entitled, *Temporary Withdrawal of All Areas on the Outer Continental Shelf from Offshore Wind Leasing and Review of the Federal Government’s Leasing and Permitting Practices for Wind Projects*. 90 Fed. Reg. 8363 (Jan. 29, 2025) (“Wind Memo”).

Plaintiffs and Intervenor challenged a provision in Section 2(a) of the Wind Memo directing several agencies, led by the Department of the Interior, to “not issue renewed

approvals, rights of way, permits, leases, or loans for onshore or offshore wind projects” *id.* at 8363-64 (the “temporary cessation directive” or “wind directive”) until a separate assessment and review of Federal wind leasing and permitting practices is completed.

In briefing and at oral argument before the Court, Plaintiffs and Intervenor maintained that the alleged final agency action they are challenging is a broad decision by the relevant agencies to temporarily cease issuing new approvals and other authorizations—not the subsequent downstream application of that alleged decision to specific projects or programs. *E.g.*, Pls.’ Reply 6, ECF No. 135 (conceding that they do not challenge “the many individual actions . . . taken to implement the halt,” as they are merely the product “of the final action challenged here: ‘the decisions by the Agency Defendants to implement broad, categorical freezes on’ wind-energy approvals”); Interv.’s Reply 7 (challenging only “agency decisions to adopt the Wind Ban, not decisions on individual wind projects”); Tr. 24, June 18, 2025 (acknowledging that Plaintiffs “are not seeking an adjudication by a date certain for a specific project” but instead challenging an alleged agency decision to “categorically halt all wind energy approvals”). They also do not dispute that the assessment and review—which they have not challenged—is currently underway and is being deliberated by the Department of the Interior and supporting agencies. *E.g.*, Pls.’ Reply 1 (recognizing that “the assessment is in early stages”); *see also* Tr. 27 (acknowledging that Intervenor’s claims seek only to vacate the temporary cessation directive “without awaiting completion” of the assessment and review).

During the June 18, 2025, hearing, the Court issued a tentative ruling that would grant in part and deny in part Defendants’ Motion to Dismiss. The Court “rule[d] that this ‘pause,’ so denominated, is . . . in fact final agency action.” Tr. 32. But the Court dismissed Defendants other than the Secretary of the Interior, *id.*, and dismissed all of Plaintiffs’ and Intervenor’s non-

APA claims, *id.* at 33. The Court then directed Defendants to file an administrative record that, according to Plaintiffs, “support[s] the decision to implement the wind directive.” *Id.* at 35.

Counsel for Defendants asked the Court to clarify that the administrative record is limited to the Department of the Interior as the only department remaining in the litigation and the Court confirmed “[o]nly the Department of Interior because they are the primary department. . . . But, yes, that’s my understanding.” Tr. 38.

Based on Defendants’ understanding of the Court’s tentative ruling, on July 2, 2025, Defendants filed the certifying declaration of Matthew Giacona, Principal Deputy Director of the Bureau of Ocean Energy Management and accompanying administrative record on behalf of the Department of the Interior. ECF No. 161.

The next day, the Court entered its Memorandum and Order granting in part and denying in part Defendants’ Motion to Dismiss. ECF No. 162. The Court dismissed Plaintiffs’ and Intervenor’s non-APA claims, including those against the President. *Id.* at 43-48. The Court also dismissed the Departments of Agriculture, Energy, and Treasury and their Secretaries. *Id.* at 30-31.

Upon conferral with Plaintiffs and Intervenor, and in an effort to resolve administrative record disputes without the need for motion practice, Defendants agreed to refile the Department of the Interior’s administrative record and file an administrative record on behalf of the remaining agency defendants, that is, the Environmental Protection Agency, the National Marine Fisheries Service, and the U.S. Army Corps of Engineers. The Parties also agreed to amend the case schedule, which the Court allowed. ECF No. 164.

Accordingly, enclosed are the certifying declarations and administrative records containing the evidence considered, directly or indirectly, by Defendants for the alleged decision challenged by Plaintiffs and Intervenor in this action.

Respectfully submitted this 11th day of July, 2025.

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